



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 54] नई दिल्ली, शुक्रवार, दिसम्बर 17, 1993/अग्रहायण 26, 1915
No. 54] NEW DELHI, FRIDAY DECEMBER 17, 1993/AGRAHAYANA 26, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 17th December, 1993:—

BILL No. 118 OF 1993

A Bill to provide for the issue of identity cards to the residents of Specified Areas in States and Union territories and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Specified Areas (Issue of Identity Cards to Residents) Act, 1993.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "Designated Officer" means the officer appointed under sub-section (1) of section 5;

(b) "foreigner" has the same meaning as assigned to it in the Foreigners Act, 1946;

(c) "notification" means a notification published in the Official Gazette;

Short
title, ex-
tent and
com-
mence-
ment.

Defini-
tions.

(d) "prescribed" means prescribed by rules made under this Act;

(e) "resident" means an Indian citizen who ordinarily resides in a Specified Area;

(f) "Specified Area" means an area declared as Specified Area under sub-section (1) of section 3.

Declara-
tion of
Speci-
fied Area.

3. (1) If the Central Government is satisfied that it is expedient in public interest to issue identity cards to Indian citizens ordinarily residing in an area, it may, by notification, declare that area as "Specified Area".

(2) No person shall be allowed to enter into or remain in any Specified Area unless he has—

(i) an identity card issued under sub-section (1) of section 9;

(ii) if he is a Government servant, a document about his identity issued by the head of office;

(iii) an identity certificate issued by the District Magistrate or the Superintendent or Deputy Commissioner of Police of that Specified Area;

(iv) if he is a foreigner, a permission from the authority empowered in this behalf by the Central Government under the Foreigners Act, 1946,

31 of 1946.

to enter into or remain in that Specified Area:

Provided that a resident residing in a Specified Area immediately before the date of its declaration as Specified Area shall be allowed to continue to reside therein for a period of one month from the date of such declaration; and if he has made an application for issue of an identity card within the said period of one month, till the disposal of such application.

Central
Govern-
ment to
issue
identity
cards.

4. (1) The Central Government shall issue identity cards to all residents to enter or remain in a Specified Area in the manner provided thereafter.

(2) The identity cards shall be issued for such period, in such form and shall contain such particulars as may be prescribed.

Appoint-
ment of
Designa-
ted Offi-
cers.

5. (1) The Central Government may, in consultation with the State Government, by notification, appoint such officers of that State Government, as it may think fit to be Designated Officers for the purposes of this Act and define the local limits within which they shall exercise their powers under this Act.

(2) The Designated Officer shall be assisted by such other officers and persons, may be provided by the Central Government.

6. It shall be the duty of every officer of the State Government, local authorities, Government agencies, Sarpanchas and Panchas of Panchayats to assist the Designated Officer as and when he requires such assistance in the discharge of his functions under this Act.

Assistance of State Government officers, etc.

7. (1) Every resident shall make an application to the Designated Officer within whose jurisdiction he resides for issue of an identity card:

Application for identity card.

Provided that if the resident is less than sixteen years of age, either of his parents or guardians shall make an application for him.

(2) The application for issue of an identity card under sub-section (1) shall be in such form and accompanied with such documents as may be prescribed.

8. The Designated Officers shall have the following powers, namely:—

Powers of Designated Officers.

(a) to issue, renew and cancel the identity card; and

(b) to call upon any person residing within his jurisdiction to assist him and give him such information as may be necessary for the purpose of issue or cancellation of identity card.

9. (1) The Designated Officer shall, on receipt of an application under sub-section (1) of section 7, issue an identity card to the applicant, if he is satisfied about the correctness of the particulars given in the application and documents produced before him.

Issue of identity card.

(2) The Designated Officer, may, for reasons to be recorded in writing, refuse to issue an identity card:

Provided that no order refusing to issue an identity card shall be made unless the applicant has been given a reasonable opportunity of being heard.

(3) The Designated Officer shall prepare, from time to time, a list of identity card holders of each local authority and a copy thereof shall be placed in the head office of that local authority to facilitate access to the public.

10. The identity card issued under sub-section (1) of section 9 shall not be a proof of Indian citizenship. If any question arises about the citizenship of any holder of the identity card, the same shall be determined in accordance with the provisions of the Citizenship Act, 1955.

Identity card not to be proof of citizenship.

11. (1) Every identity card holder shall, within sixty days before the expiry of the identity card, get his identity card renewed.

Renewal of identity card.

(2) The period of validity of the identity card and the manner of making an application for its renewal shall be such as may be prescribed.

Cancellation of identity card.

12. If the Designated Officer is satisfied, *suo motu* or on receipt of a complaint, that a resident has obtained the identity card by misrepresentation or by fraudulent means or the holder of it has become otherwise ineligible, he may, by order in writing, cancel the identity card:

Provided that no such order shall be made without giving the person concerned an opportunity of being heard.

Duty to report loss or destruction of identity card and issue of duplicate identity card.

13. (1) Where an identity card is lost, destroyed or materially damaged, the resident to whom it was issued shall report in writing of such loss, destruction or damage to the Designated Officer within ten days of such loss, destruction or damage.

(2) The Designated Officer shall, after being satisfied, on such inquiry as he may deem fit about the loss, destruction or damage of the identity card, issue a duplicate identity card.

Appeal.

14. (1) Any person aggrieved by an order made by the Designated Officer under sub-section (2) of section 9 or section 12 may prefer an appeal to the District Magistrate within whose jurisdiction the Specified Area is located within such period as may be prescribed.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the applicant satisfies the District Magistrate that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal under sub-section (1) shall be made in such form as may be prescribed and shall be accompanied by a copy of the order appealed against.

(4) The procedure for disposal of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the parties concerned shall be given a reasonable opportunity of being heard.

(5) The District Magistrate may confirm or reverse the order appealed against.

Revision.

15. (1) The Commissioner of the administrative division having jurisdiction over the Specified Area may call for and examine any record from any Designated Officer or District Magistrate within his jurisdiction for the purposes of satisfying himself as to the correctness of the order of issuance of an identity card.

(2) On examination of the record under sub-section (1), if the Commissioner is satisfied that an identity card has been wrongly issued, he shall pass an order cancelling such identity card:

Provided that the Commissioner shall not pass such order unless the holder of an identity card is given an opportunity of being heard.

16. (1) Where an identity card of any resident is cancelled under section 12, section 14 or Section 15, such resident shall surrender his identity card to the Designated Officer within such period as may be specified in the order of cancellation.

Consequences of cancellation of identity card.

(2) If a resident fails to surrender his identity card under sub-section (1), the Designated Officer shall publish the order of cancellation of such identity card in such manner as may be prescribed and thereafter the resident shall be deemed to be without an identity card.

17. If a person, who is not eligible to enter and remain in a Specified Area under this Act, enters or remains in that Specified Area, the Designated Officer may cause him to be arrested and removed in police custody outside that Specified Area.

Procedure to remove persons without identity cards, etc.

18. It shall be the duty of every resident to furnish the name, age, profession and such other information, as may be prescribed, of all the minors dependent on and residing with him, to the Designated Officer.

Duty to furnish information

19. Whenever the Designated Officer or any other officer authorised by him in this behalf, demands any person to produce the identity card or any other document allowing him to enter into or remain in any Specified Area, it shall be the duty of such person to produce the same before such Designated Officer or the officer authorised by him.

Obligation to produce identity card, etc.

20. The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and section 23, may also be exercised by the State Government or local authority within a Specified Area.

Delegation of powers.

21. All officers and other persons shall, when acting or purporting to act in pursuance of any provision of this Act or the rules made or orders issued thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers, etc., to be public servants.

22. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or local authority or any other person, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made or orders issued thereunder.

Protection of action taken in good faith.

Power
to make
rules.

23. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the period for which and the form in which an identity card shall be issued under sub-section (2) of section 4 and the particulars to be given therein;

(b) the form in which an application for issue of an identity card under sub-section (2) of section 7 shall be made and the documents to be accompanied with such application;

(c) the period of validity of an identity card and the manner of making an application for its renewal under sub-section (2) of section 11;

(d) the period within which an appeal shall be preferred under sub-section (1) of section 14;

(e) the form in which an appeal shall be made under sub-section (3) of section 14;

(f) the procedure for disposal of appeal under sub-section (4) of section 14;

(g) the manner in which the publication of the order of cancellation of the identity card under sub-section (2) of section 16 may be made;

(h) the information to be furnished under section 18;

(i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A Conference of the Chief Ministers of North-Eastern States, West Bengal and Bihar was held in September, 1992 which recommended the enactment of a Central legislation for introducing a Scheme of identity cards to enable maintenance of record of all persons normally residing in certain specified areas, as this would facilitate identification of foreigners. The Conference further urged that very early steps should be taken to enact the legislation.

2. The recommendations of the Conference have been agreed to by the Central Government. The main objectives of the proposed legislation are to provide for issue of identity cards to the residents of Specified Areas in the States and Union territories, to collect information with regard to the status of residents and to check the flow of visitors. Some of the important features of the Bill are as under:—

(i) the Central Government may declare an area as the Specified Area if it feels it expedient in public interest to issue identity cards to Indian citizens;

(ii) the Central Government may issue identity cards to all residents to enter or remain in a Specified Area in the manner provided in the Act;

(iii) the Central Government may, in consultation with the State Governments, appoint such officers as Designated Officers for the purposes of the Act and it shall be the duty of every officer of the State Government, Government agencies, *Panchas* of Panchayats, etc., to accord assistance to the Designated Officers when required under the Act;

(iv) every resident shall make an application to the Designated Officer for issue of identity cards and if the person is a minor by either of his parents;

(v) the Designated Officer may, for reasons to be recorded in writing, refuse to issue an identity card; no order of refusal shall be made unless the applicant has been given a reasonable opportunity of being heard;

(vi) the identity card shall not be a proof of Indian citizenship and if any question arises about the citizenship of any card-holder, the same shall be determined in accordance with the provisions of the Citizenship Act, 1955;

(vii) any person aggrieved by an order made by the Designated Officer may prefer an appeal to the District Magistrate;

(viii) if a person who is not eligible to enter or remain in a Specified Area under the Act, enters or remains in that Area, the Designated Officer may cause him to be arrested and removed in police custody;

(ix) it shall be the duty of every resident to furnish the name, age, profession and such other information, as may be prescribed, of all the minors dependent on and residing with him, to the Designated Officer;

(x) whenever the Designated Officer or any other officer authorised by him in this behalf, demands any person to produce the identity card or any other document allowing him to enter into or remain in the Specified Area, it shall be the duty of such person to produce the same before such Designated Officer or the officer authorised by him;

(xi) all officers and other persons shall, when acting or purporting to act in pursuance of any provisions of the Act or the rules made or orders issued thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code; and

(xii) the Central Government may make rules for carrying out the purposes of this Act.

3. The Bill seeks to give effect to the above proposals.

NEW DELHI,

S. B. CHAVAN.

The 6th December, 1963.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 11/11/91-BF, dated 6 December, 1993 from Shri S. B. Chavan, Minister of Home Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Specified Areas (Issue of Identity Cards to Residents) Bill 1993, recommends the consideration of the Bill by Lok Sabha under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for issue of identity cards by the Central Government. About 5.33 crore residents are proposed to be issued with the identity cards in infiltration-prone areas in border States. For this purpose, an expenditure of Rs. 64.76 crores is likely to be incurred. As per approved scheme, the expenditure to be incurred would be borne by the Central Government on the pattern of 90 per cent. grants and 10 per cent. loan. These estimates are based on 1991 Census and the actual number of identity cards would be much more which would further increase the requirement of funds. The non-recurring expenditure would include cost of installation of computerised Laser I-Card Printing Systems (CLIPS), Base Paper, printing of forms and recurring expenditure would include maintenance of the infrastructure and the salary and other office expenses of the staff engaged in implementation of the Scheme. However, it is not possible to work out the component of recurring expenditure at this stage. The expenditure will be met from the Consolidated Fund of India.

2. The Bill does not involve any other expenditure whether of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Sub-clause (2) thereof enumerates the matters with respect to which the rules may be made. These relate to, *inter alia*, the period for which, and the form in which an identity card shall be issued and the particulars to be given therein; the form in which an application for issue of an identity card shall be made and the documents which should accompany such application; the period of validity of an identity card and the manner of making an application for its renewal; the period within which an appeal shall be preferred; the form in which an appeal shall be made; the procedure for disposal of appeal, the manner in which the publication of the order of cancellation of the identity card shall be made; the information to be furnished under clause 18 and any other matter which is required to be or may be prescribed.

2. The aforesaid matters are in the nature of procedural and administrative detail and it is not possible to provide for them in the Bill itself. The delegation of legislature powers is, therefore, of a normal character.

C. K. JAIN,
Secretary-General.